

FAMILY AND MEDICAL LEAVE POLICY

PURPOSE

To comply with the provisions of the Family Medical Leave Act.

SCOPE

This policy applies to all qualifying employees

POLICY

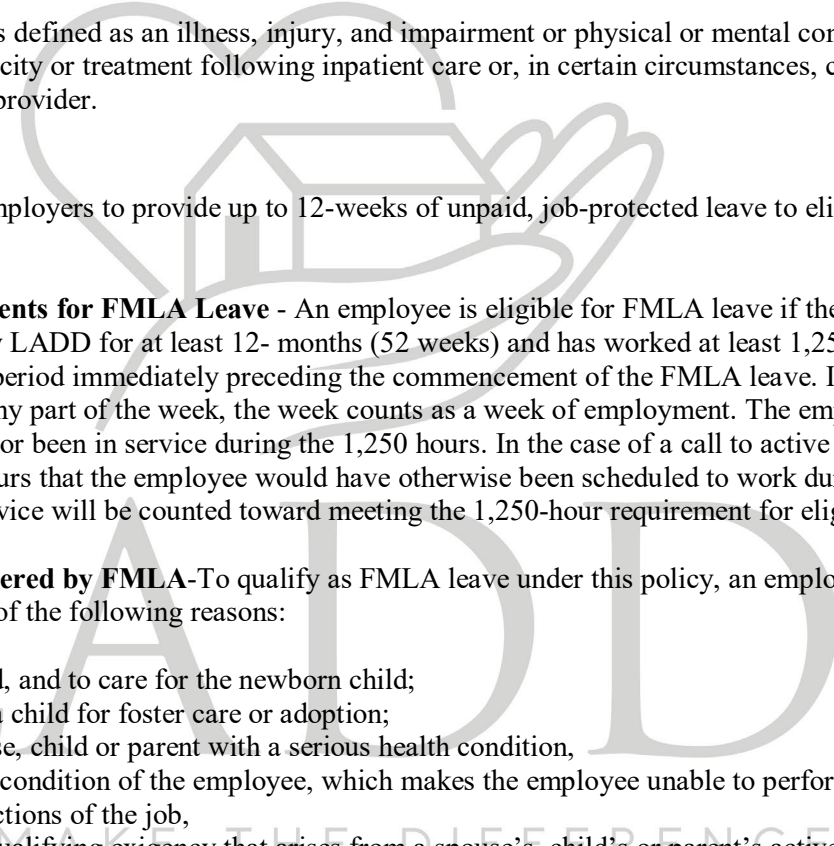
LADD has developed and established the following Family and Medical Leave of Absence policy. This policy summarizes employees' rights and responsibilities under LADD's FMLA Policy. More details about FMLA and whether you have a qualifying condition may be obtained by contacting the Human Resources Department.

DEFINITIONS

Serious Health Condition is defined as an illness, injury, and impairment or physical or mental condition that involves a period of incapacity or treatment following inpatient care or, in certain circumstances, continuing treatment by a health care provider.

PROCEDURES

FMLA requires covered employers to provide up to 12-weeks of unpaid, job-protected leave to eligible employees.

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- A. **Eligibility Requirements for FMLA Leave** - An employee is eligible for FMLA leave if the employee has been employed by LADD for at least 12- months (52 weeks) and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the FMLA leave. If an employee is on the payroll for any part of the week, the week counts as a week of employment. The employee must have actually worked or been in service during the 1,250 hours. In the case of a call to active service in the Armed Forces, the hours that the employee would have otherwise been scheduled to work during the absence for active service will be counted toward meeting the 1,250-hour requirement for eligibility under FMLA.
- B. **Types of Leaves Covered by FMLA**-To qualify as FMLA leave under this policy, an employee must request leave for one of the following reasons:
1. The birth of a child, and to care for the newborn child;
 2. The placement of a child for foster care or adoption;
 3. To care for a spouse, child or parent with a serious health condition,
 4. The serious health condition of the employee, which makes the employee unable to perform one or more essential functions of the job,
 5. To deal with any qualifying exigency that arises from a spouse's, child's or parent's active duty in the Armed Forces including an order or call to duty; or
 6. To care for a spouse, child, parent or next of kin (Defined as the nearest blood relative) who are service members with serious illnesses or injuries incurred during active duty in the Armed Forces.
 7. Employees with questions about the FMLA policy are encouraged to contact the Human Resources Department.
- C. **Length of Leave Under FMLA**- An eligible employee can take up to 12-work weeks of leave during any 12-month period for the first five qualifying reasons stated in Section B above. An eligible employee can take up to 26-work weeks of leave for the sixth qualifying reason stated in Section B above. If taking a leave to deal with any qualifying exigency that arises from a spouse's, child's or parent's active duty in the Armed Forces (B5 above), the leave is not confined to a single 12-month period but the 12-weeks is reduced by leave for any other qualifying FMLA event during the same 12-month period. If taking leave to care for a spouse, child, parent or next of kin who is a service member with a serious illness or injury

incurred during active duty in the Armed Forces (B6 above), the leave is available only during one 12-month period and is combined with all other FMLA leaves in that same 12-month period with a maximum total leave entitlement of 26 weeks.

- D. **FMLA Leave Calculation Formula**-LADD will calculate available FMLA leave by determining the amount of leave used by an employee during the 12-months prior to the date the leave is requested and subtracting that number from the 12-work week maximum. The remaining balance is the amount of FMLA leave that the employee is entitled to take at that time. When requesting FMLA leave, the employee must review the remaining leave balance with the Human Resources Director or designated representative.
- E. **Paid and Unpaid Leave Under FMLA**-Under the FMLA, eligible employees are entitled to up to 12-work weeks of unpaid leave for FMLA qualifying reasons per year. As described below, however, in some circumstances, LADD requires the employee to use accrued salary continuation prior to using unpaid leave. Paid leave will run at the same time as any FMLA leave. An employee who takes an FMLA leave due to serious health condition must use all accrued flex time at the start of the FMLA. Salary continuation must be substituted for unpaid FMLA leave if the reason for the leave is covered by LADD medical leave of absence policy. Example: LADD medical leave of absence policy permits an exempt employee to take a leave of absence for a personal medical condition for up to three months. Under the FMLA, the employee must use vacation/paid time off for a personal medical condition prior to using unpaid leave and the leave will be designated as FMLA and counted toward the 12-week period.
- F. **Intermittent and Reduced Schedule Leave Under FMLA**-When medically necessary to address an employee's own serious health condition, to care for a family member with a serious health condition, or to care for a service member with a serious illness or injury, an employee may take FMLA leave intermittently or on a reduced schedule basis. The employee must make reasonable efforts to schedule medically necessary intermittent leave so it does not unduly disrupt LADD's operations. An employee is also entitled to take reduced schedule or intermittent leave for qualifying exigencies when necessary. Leave may be taken intermittently or on a reduced leave schedule under the following circumstances:
1. If the leave is taken after the birth or placement of a child for adoption or foster care, an employee may take the leave intermittently or a reduced schedule only with the approval of the Human resources Director. Leave for the birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.
 2. If the leave is taken for a serious health condition of a family member or due to the serious health condition of the employee, leave may be taken intermittently or on a reduced leave schedule when medically necessary. In this case, LADD will require medical certification as described in the next section.
- G. **Procedure for Requesting FMLA Leave** All requests for family or medical leave should be initiated by contacting the direct supervisor. All requests are then submitted to Human Resources to determine eligibility. If eligible, all required forms will be mailed to the employee to take to their medical professional to complete, i.e., Medical Certification form. This form must be completed as directed in the FMLA packet within 15-calendar days to validate the medical condition. Failure to provide the Medical Certification form may result in denial of leave. LADD reserves the right to ask the employee to obtain a second opinion from an independent medical provider selected by LADD, at LADD's expense.
- H. **Notification and Reporting Requirements for FMLA Leave**- If the need for family and medical leave is foreseeable, such as for the birth of a child, the employee must provide 30-days' notice to their immediate supervisor before taking the leave. If an employee fails to provide 30-days' notice for foreseeable leave with no reasonable excuse for delay, the leave may be denied. If the need for family and medical leave is not foreseeable, the employee should notify the immediate supervisor as soon as the employee becomes aware of the need for leave. If an employee becomes aware of the need for leave during the work day, notice must be given to the supervisor that same day or by the start of the next business day if the employee becomes aware of a need for leave after work hours. Usual procedures for calling in to notify of the need for leave must be followed.
- I. **Employee Benefits During FMLA Leave**- During any FMLA leave period, LADD will maintain the employee's health benefits coverage. The employee is required to pay any portion of health, insurance premiums normally deducted from the employee's paycheck. When an employee takes paid FMLA leave,

LADD will continue to take all deductions from the employee's paycheck as if the employee remained on active employment status. If the employee does not receive a paycheck due to unpaid FMLA leave, the Director of Human Resources will notify the employee of their financial obligations for insurance premiums.

- J. **Reinstatement/Return to Work-** Upon return from FMLA leave, an employee will be returned to the same position or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment, unless the employee would have been terminated in the absence of any leave (due to layoff, downsizing, termination of a temporary job). When an employee returns to work from FMLA leave taken for a personal serious health condition, LADD will require medical certification (a statement from a physician) that the employee is able to return to work. If an employee is unable to return to work at the expiration of the approved leave period, the position will be filled as deemed necessary by the Human Resources Department. Questions relating to leave entitlements and/or the status of employee benefits or compensation during approved leaves should be directed to the Human Resources Department. Exceptions to this policy will occur, if necessary, to comply with applicable state or local laws. All exceptions to this policy must be reviewed in advance and approved by the Director of Human Resources.

